

INTRODUCTION OF THE PROTECT  
AMERICAN JOBS THROUGH THE  
FOREIGN TRADE ANTITRUST IM-  
PROVEMENTS AMENDMENTS ACT  
OF 1999

**HON. JOHN CONYERS, JR.**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 6, 1999*

Mr. CONYERS. Mr. Speaker, I am pleased to join with my colleague, Commerce Committee Ranking member JOHN DINGELL, in introducing today the "Protect American Jobs Through the Foreign Trade Antitrust Improvements Amendments Act of 1999." This bill clarifies one of our most important U.S. antitrust laws in order to enshrine the principle that U.S. law reaches anti-competitive foreign cartels, acts, and conspiracies designed to unfairly exclude American products from overseas markets. The principal aim of my bill is to codify the U.S. Department of Justice's current and correct interpretation of the Foreign Trade Anti-trust Improvements Act ("FTAIA") which is embodied in footnote 62 of the International Antitrust Guidelines. The footnote makes it clear that there are no unnecessary jurisdictional or legal roadblocks to challenging anti-competitive acts and conspiracies that take place outside our borders.

We live in an era of economic globalization. Today, America's prosperity depends, not just on vigorous competition within our territorial borders, but on free and fair access to markets in Japan, Europe, Africa, Latin America, China, Russia, and a host of other countries. Anti-competitive practices that block foreign markets to U.S. exporters are just as much a threat to the U.S. economy, as the purely domestic cartels and combinations that the Sherman Act sought to address at the turn of the century.

The opening of global markets has advanced America's current economic prosperity, but it also poses fundamental challenges for U.S. antitrust laws. One example is the U.S. flat glass industry. For the better part of a decade, America's leading flat glass producers have been seeking access to the Japanese market, the biggest and richest in Asia. This isn't a situation where America doesn't have a good product, American companies are leaders in producing and selling high-quality innovative glass products around the world; and in fact, have succeeded in Europe, Asia, the Middle East, Latin America, but not Japan. The fact is that securing distribution effective channels for American glass products has not proved to be a significant barrier to entry in any country but Japan.

My bill aims to address this situation by making an important clarification in the U.S. antitrust laws that govern jurisdiction over foreign firms. It does not change U.S. antitrust law. Instead, it is designed to codify and clarify U.S. antitrust doctrine. Although most observers would agree that the FTAIA established conclusively that DOJ and U.S. firms have jurisdiction to bring an antitrust case against foreign firms engaged in anti-competitive conduct that harms U.S. exporters, enforcement officials misinterpreted the law and said so in a footnote to the International Antitrust Guide-

lines. That footnote—footnote 159—created a higher burden for U.S. exporters than Congress intended by requiring that they show harm to U.S. consumers in order to get their day in court. The bill would ensure that the will of Congress and the plain meaning of the FTAIA could never again be misconstrued by the federal antitrust agencies, a foreign litigant or a U.S. court. In doing so, it would assist in breaking down anti-competitive foreign barriers to U.S. exports.

While the correction to Footnote 159 was drafted by Assistant Attorney General Jim Rill in the Bush Administration, it has been fully endorsed by the Clinton Administration. I commend Assistant Attorney Generals Rill, Bingman, and Klein for their strong leadership in strengthening international antitrust enforcement and for bringing cases under the authority of the FTAIA.

By clarifying the jurisdictional requirements of the FTAIA, I hope to encourage the Department of Justice and injured industries to make any necessary use of this important power by challenging cartels, such as those blocking distribution of the U.S. courts, before U.S. juries, under U.S. law.

My bill makes a simple and straightforward point. Anti-competitive foreign cartels and conspiracies are subject to the long arm of U.S. antitrust law. Foreign producers can run . . . but they can't hide. The global economy may be a reality, but U.S. law applies fully to anti-competitive international cartels, combinations and conspiracies.

This bill already has the support of industry leaders, including Kodak, PP&G Industries, and Guardian International Corporation, and the National Association of Manufacturers. I look forward to working with other interested parties to bring U.S. law into a new era of international economic globalization, and to ensure that American firms and workers have a timely and effective remedy against those who engage in anti-competitive acts designed to exclude American products or services from the international marketplace.

CELEBRATING THE PRINCIPLES OF  
KWANZAA—A TRIBUTE TO DR. E.  
ALMA FLAGG

**HON. DONALD M. PAYNE**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 6, 1999*

Mr. PAYNE. Mr. Speaker, it gives me great pleasure to inform my colleagues of a special event and a special person. In the African American community Kwanzaa, a festive, non-religious celebration, is held reflecting upon our rich heritage. It begins on December 26 and lasts for seven days. Each day focuses on one of seven principles; unity, self-determination, collective work and responsibility, cooperative economics, purpose, creativity and faith.

The Beta Alpha Omega Chapter (Newark, NJ) of the Alpha Kappa Alpha Sorority in cooperation with the New Jersey Performing Arts Center sponsored the Second Annual Kwanzaa Festival honoring community elders. The person chosen to be honored on the first

day of the 1998 Festival, December 17, was Dr. E. Alma Flagg. Dr. Flagg is truly deserving of this honor. She has spent most of her years in New Jersey working for the betterment of many. On May 2, 1995, I had the privilege and pleasure of bringing Dr. Flagg and her work to the attention of my fellow American citizens through remarks printed in the CONGRESSIONAL RECORD. It is not often that we are able to pay such important homage to the same individual within a short period of time. Dr. Flagg is one of the very few for whom a school has been named while still active.

Last year, Kwanzaa was recognized by the United States Postal Service with the printing of a postage stamp. Established in 1966, this celebration of family, community and culture is taking an important place in our diverse culture. I would like to thank Dr. Mabel B. Perry and Mrs. Greta D. Shepherd, Tribute Coordinators, for affording me this opportunity and bringing attention to this important commemoration.

As I stated on Tuesday, May 2, 1995, "Mr. Speaker, I am sure my colleagues would have joined me as I gave my best wishes to an outstanding human being and consummate role model, Dr. E. Alma Flagg".

THE WORLD WAR II GENERATION

**HON. BOB BARR**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 6, 1999*

Mr. BARR of Georgia. Mr. Speaker, today I rise to share with my colleagues a commencement speech delivered at the University of Georgia, entitled "Reflections from the World War II Generation," by former Attorney General and retired Federal appellate judge Griffin B. Bell, on December 19, 1998. I hope each Member of the House of Representatives will take a moment and read this inspiring document.

REFLECTIONS FROM THE WORLD WAR II  
GENERATION

I am from the World War II generation. My youth was in the Great Depression, which tempered all who lived it.

The discipline of military service, indeed, the service itself in World War II, had a marked effect on some 14 million Americans who served. Following our service, our country educated many of us under the GI Bill of Rights. Ours was the first generation of Americans to include substantial numbers of people who had graduated from college.

The electronic revolution had its genesis in World War II and has continued to develop at a rapid rate until this day. Much of it was developed in the vast defense and space enterprises, which followed World War II and in the Cold War with the Soviet Union.

Some of our generation had to participate in the Korean War along with many other Americans who had not been in World War II.

We sent our sons to Vietnam if our sons wanted to serve. Vietnam was the first of our peculiar wars where almost anyone could dodge service and, if all else failed, could run away to Canada. This meant that the Armed Forces during the Vietnam War were made up of poor people who did not know how to escape and those Americans who were patriotic enough to go even though they could have escaped.